IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.751/07
The Bank of Rajasthan Vs. Union of India

28.09.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Ajay Tyagi for petitioner.
Shri K.K. Sharma for respondent.
Shri Ashok Gaur for applicant.

This writ petition has been filed with the grievance that the post of Recovery Officer, Debt Recovery Tribunal, Jaipur is lying vacant since 31.7.2006 on account of which, more than 500 execution petitions have been pending before the Recovery Officer, Debt Recovery Tribunal, Jaipur. Amount of recovery in all of them constitute a staggering amount of more than Rs.650 crores. In fact, owing to this reason alone, the process of implementation of execution of the judgments passed by Debt Recovery Tribunal has come to a complete standstill.

Shri K.K. Sharma, the learned Assistant Solicitor General has in the course

of arguments clarified that appointment of one Sanjay Kumar Gupta was made as Recovery Officer for a period of three years w.e.f. 26.5.2006, but he was recalled by the parent department on 9.6.06, which has given rise to vacancy in the said office. It was thereafter that one Shri D.B. Singh was appointed as Recovery Officer, Debt Recovery Tribunal, Jaipur and since his order of posting at Jaipur was stayed by the Central Administrative Tribunal, he was posted at Ranchi and he has joined there. The post was thereafter again advertised and one Ramvilas Gupta, Senior Manager Scale III, Central Bank of India was selected and order offering appointment to him was issued on 3.5.2007. He has however not joined so far. Resultant situation now is that even after expiry of more than one year, the post of Recovery Officer, Debt Recovery Tribunal, Jaipur is lying unmanned. This issue is being raised before this Court in number of petitions. While issuing notice of the writ petition on

28.5.2007, this Court had specifically asked Shri K.K. Sharma, learned Assistant Solicitor General to appear for the respondents and seek instructions and the matter has been listed thereafter again on some occasions and had been getting adjourned in expectation of suitable action at the end of the respondents.

So far, however, no one has been posted as Recovery Officer and the post is still lying vacant. Learned counsel appearing for the petitioner informs that no other officer has even been made to officiate on the post of the Recovery Officer.

Shri Ashok Gaur, the learned counsel appearing for the intervenor Dharam Chand Jain submits that his client was originally selected and posted as Recovery Officer, Debt Recovery Tribunal at Ahmadabad but he wanted his posting at Jaipur and in fact, he had filed the Original Application before the Central Administrative Tribunal, Jaipur claiming his posting at Jaipur and it was in his original

application that appointment and posting of Dharam Chand Jain was stayed.

Who should be posted as Recovery Officer is the discretion of the respondent Union of India. At the same time, it needs no emphasis that keeping such an important office vacant for so long a time does not augur well with the working of the respondent Government. Debt Recovery Tribunals have been established through out the country as special forums for speedy disposal and recovery of the claims involving public money by various nationalised banks and financial institutions. It is therefore impressed upon the respondents to attend this issue with a sense of promptitude and urgency.

The writ petition is therefore disposed of with the direction that the respondents shall ensure either posting of the regular Recovery Officer or appropriately authorizing another officer already working with the Debt Recovery Tribunal, such as the

Registrar or the Assistant Registrar, within a period of eight weeks.

So far as the prayer made by Shri Ashok Gaur, the learned counsel appearing for Dharam Chand Jain for issuing any direction to post his client as Recovery Officer at Jaipur, no such positive direction can be issued. However, it will be open to him to make a representation to the respondents which shall be appropriately dealt with and decided by the respondents, while considering the question of posting of Recovery Officer at Debt Recovery Tribunal, Jaipur.

The writ petition is accordingly disposed of.

(Mohammad Rafiq),J.

Rs/-